



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

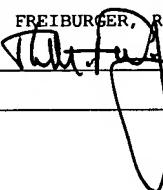
In re Patent Application of:) Examiner: John P. Lacyk
Daren L. Stewart et al.)
)
Application No.: 10/683,885) Group Art Unit: 3735
)
Filed: October 10, 2003) File No: 667P
)
For: APPLICATOR FOR RADIATION)
TREATMENT OF A CAVITY)
)
Tiburon, California

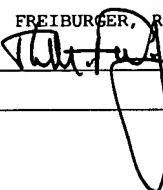
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DATE OF DEPOSIT NOVEMBER 12, 2009

THOMAS M. FREIBURGER, REG. NO. 27,063

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RESPONSE TO OFFICIAL ACTION

This is in response to the official action mailed May 12, 2009. A petition for a three-month extension of time is enclosed.

In the action, claims 41-50 and 53-137 were rejected. The rejection was over Lubock (SenoRx) Patents Nos. 6,955,641 and 6,923,754, under 35 U.S.C. 102(e). These are patents issued from the two applications with which the current applicant has sought, and continues to seek, declaration of an interference (SN 10/849,410 and 10/290,002).

Regarding claims 41-50, the Examiner expressed the position